

STATE OF ARIZONA

JANET NAPOLITANO
GOVERNOR

OFFICE OF THE GOVERNOR
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June 27, 2005

VIA FACSIMILE AND U.S. MAIL

Hon. Alberto R. Gonzales
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: State Criminal Alien Assistance Program Invoices

Dear Attorney General Gonzales:

Thank you for your April 19, 2005 response to my letters of February 3, 2005 and March 23, 2005. I appreciate your candid discussion of the shortfall in the Department's reimbursement of Arizona's State Criminal Alien Assistance Program ("SCAAP") expenses.

I had been hopeful that Congress' Fiscal Year 2006 appropriation for SCAAP would better reflect the federal government's exclusive responsibilities for the expense of incarcerating criminal aliens. Unfortunately, efforts to more fully fund SCAAP appear unlikely to succeed in Congress this year.

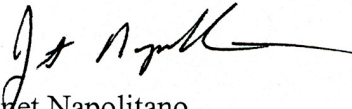
Under the circumstances, I have no choice but to continue submitting our state's invoices for funds due to us under the SCAAP program. Enclosed please find an invoice in the amount of \$217,121,962.09, representing the state's average cost of incarcerating criminal aliens for the period of July 2002 through May 2005. As I have previously indicated, Arizona will continue to submit such invoices until the Justice Department complies with its statutory obligations by either agreeing to accept custody for the criminal aliens in our system or offering a more satisfactory funding arrangement for reimbursing the state's actual costs of incarcerating criminal aliens.

In that regard, and in light of your statement that SCAAP funding is limited to the amount appropriated by Congress each year, I hope you will join me in resisting future efforts by the President to zero-out the SCAAP budget and in supporting measures that would significantly increase SCAAP appropriations.

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Finally, in your April 19, 2005 letter, you indicated that Hope Jenke of the Department's Bureau of Judicial Assistance would be contacting me or my staff about this situation. That has not occurred. I remain willing to meet with you personally at any time to discuss this situation. Alternatively, you or Ms. Jenke may contact my general counsel, Tim Nelson at 602-542-1586.

Yours very truly,



Janet Napolitano
Governor

JN:TN/jm
Encl.

State of Arizona
1700 West Washington
Phoenix, AZ 85007

Invoice

Invoice Date: June 10, 2005

Description	Average Daily SCAAP Population	Per Diem Cost	Number of Days	Amount Due
FY 2005 State Expenditures - State Criminal Alien Assistance Program (SCAAP):				
July 2004	4,102	\$ 53.63	31	\$ 6,819,698.06
August 2004	4,141	\$ 53.63	31	\$ 6,884,536.73
September 2004	4,155	\$ 53.63	30	\$ 6,684,979.50
October 2004	4,096	\$ 53.63	31	\$ 6,809,722.88
November 2004	4,126	\$ 53.63	30	\$ 6,638,321.40
December 2004	4,156	\$ 53.63	31	\$ 6,909,474.68
January 2005	4,117	\$ 53.63	31	\$ 6,844,636.01
February 2005	4,155	\$ 53.63	28	\$ 6,239,314.20
March 2005	4,148	\$ 53.63	31	\$ 6,896,174.44
April 2005	4,161	\$ 53.63	30	\$ 6,694,632.90
May 2005	4,147	\$ 53.63	31	\$ 6,894,511.91
Total Amount Due for FY 2005 State Expenditures				\$ 74,316,002.71
FY 2004 State Expenditures - State Criminal Alien Assistance Program:				
FY 2004 State Expenditures				\$ 77,807,691.12
Total Amount Due for FY 2005 State Expenditures				\$ 77,807,691.12
FY 2003 State Expenditures - State Criminal Alien Assistance Program:				
FY 2003 State Expenditures				\$ 71,039,395.20
SCAAP Reimbursements in FY 2004 for FY 2003 State Expenditures				\$ 6,808,219.00
FY 2003 Expenditures Not Reimbursed				\$ 64,231,176.20
Interest on Past Due Amounts:				
Interest on FY 2003 Expenditures Not Reimbursed (interest from 10/1/04-5/31/05 at 1.81%)				\$ 767,092.06
Total Amount Due				\$ 217,121,962.09

If you have any questions regarding this invoice, please contact Tim Nelson at 602-542-1586.